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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

HUONG MY DUONG,
NHO THI NGUYEN and
NHU HUYNH DINH,
aka Thanh Thanh Nguyen,

Defendant.

No. CR 10-00075 JW

STIPULATION AND [Proposed]
ORDER CHANGING STATUS HEARING
FROM JUNE 28, 2010, TO JULY 12, 2010,
AT 1:30 P.M. AND EXCLUDING TIME

The United States and defendants currently have a status review hearing scheduled for June 28, 2010, at 1:30 p.m. The parties believe the government has reached a framework for resolution with each defendant, but the parties need additional time to finalize the agreements. Therefore, the parties request and stipulate the Court continue the defendants status review hearing from June 28, 2010, to July 12, 2010 at 1:30 p.m. For the purposes of continuity of counsel and defense preparation, the parties stipulate to an exclusion of time from July 1, 2010, through July 12, 2010, under the Speedy Trial Act to allow counsel for the defendant reasonable time for effective preparation and to further plea discussions.

1 The government hereby submits this written request for an order finding that said time is
2 excluded under the Speedy Trial Act, 18 U.S.C. § 3161, in that the ends of justice are served by
3 taking such action and outweigh the best interests of the public and defendants in a speedy trial.
4 18 U.S.C. § 3161(h)(7)(A). The failure to grant such a continuance would unreasonably deny
5 counsel for defendant reasonable time necessary for effective preparation, taking into account the
6 exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

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8 DATED: June 25, 2010

JOSEPH P. RUSSONIELLO
United States Attorney

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GRANT FONDO
Assistant United States Attorney

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NICHOLAS HUMY
Counsel for Defendant Nguyen

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JAMES BARRETT
Counsel for Defendant Dinh


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18 /S/
GINNY BEDI
Counsel for Defendant Duong

ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the parties' June 28, 2010, status conference be rescheduled to July 12, 2010, at 1:30 p.m., and that the time between June 28, 2010, and July 12, 2010, is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The court finds that the ends of justice are served by taking such action and outweigh the best interests of the public and defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The failure to grant such a continuance would unreasonably deny counsel for defendant reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: June 25, 2010



JAMES WARE
UNITED STATES DISTRICT JUDGE